

Meeting Minutes of Regular Meeting of Hanover Board of Selectmen held at Town Hall on Monday, August 3, 2015 @ 7:00 PM.

Present were Chairman Brian Barthelmes, Vice-Chairman Susan Setterland, Selectmen: Joseph R. Salvucci (arrived at 7:15 p.m.), and Robert S. O'Rourke. Also present: Town Manager Troy B.G. Clarkson and Executive Assistant Ann Lee. Selectman David R. Delaney was unable to attend.

At 7:00 PM Chairman Barthelmes opened the meeting and asked if any member of the audience had any comment or discussion item for the Open Forum portion of the meeting; no response.

The Board voted to approve the Meeting Minutes of 7-20-15 including Executive Session.

The Board met with Donald Triner and William Flynn regarding their interest in serving on the Veterans Memorial Committee. The Board conducted interviews with both candidates and voted to appoint William Flynn to the Veterans Memorial Committee, term to expire June 30, 2016. The Board encouraged the Board of Public Works to consider Donald Triner as their appointment to the Committee.

At 7:15 p.m. Selectman Salvucci arrived.

At 7:15 p.m. Chairman Barthelmes read the following hearing notice: this Hearing is being held in accordance with MGL c. 138 §64 to determine whether you have violated certain provisions of MGL or the Alcoholic Beverages Control Commission Regulations, to wit; 204 CMR 2.0(2) Permitting an illegality on the licensed premise to wit: MGL c. 138 §34 sale or delivery of an Alcoholic beverage to a person under twenty-one years of age (1 count). The alleged violation occurred at approximately 20:29 hours on Friday, July 3, 2015. The Board provided notice to Richard J. Isabelle, Manager T.D. Beverage, Inc. on July 20, 2015. Chairman Barthelmes called the hearing to order. Attendees were Police Chief Walter Sweeney and John Connell, Director of Operations; Glenn Scandlen, Division Manager and Richard J. Isabelle, Manager appeared on behalf of T.D. Beverage, Inc. Chief Sweeney provided the following: on July 13th the Board was notified that on July 3rd at approximately 9:55 p.m. Officer David Tyrie while on duty observed that several individuals standing outside of motor vehicles appeared to be under the age of 21 and in possession of alcohol in the parking lot of Tedeschi's Food Stores, 228 Columbia Road. When the males entered their motor vehicle and began to exit the parking lot, Officer Tyrie conducted a motor vehicle stop and found the operator and occupants to be under the age of 21 and in possession of a 30 pack of Coors beer as well as the remainder of an opened 30 pack of Miller Lite beer. The three males who were under the age of 21 were placed under arrest. Officer Tyrie returned to the store and questioned the clerk Andrew Lawrence about the sale. Mr. Lawrence remembered the sale and in fact stated to Officer Tyrie that he "had a funny feeling about the kid." Officer Tyrie asked Mr. Lawrence if he had scanned the out of state license which had been used for identification and he responded that he had not. Officer Tyrie asked him to scan the license he had obtained during the motor vehicle stop and the result was that it reported "invalid."

Glenn Scandlen noted Tedeschi's utilizes many tools in the training of associates for age restricted products including the WE Card Program, T.I.P.S. training, and an in-house policy. In hindsight the

General Manager may have failed with the training of associates. When the associate “had a funny feeling about the situation”; his training should have kicked in and for using an out of state license he should have taken the next step by asking for secondary ID; he did check the age on the ID presented. Richard Isabelle added that every associate that works for us should ask for a second ID when there is an out of state license presented. All associates will now take/re-take T.I.P.S. training and an extended training on the WE Card is planned. The associate was suspended for one week without pay. The Board inquired on how many people were working at the time of the violation and what is the procedure for verifying age. There were two people working at the time of the violation and procedure for verifying a customer with a Mass ID is by using facial recognition, we then verify the age and enter the age into the register. Mr. Scandlen noted out of state licenses are not scanned that is why a second form of identification is requested.

Chief Sweeney noted there is a scanner available that identifies every state license. A previous Board of Selectmen had asked this establishment that everyone purchasing alcohol be asked for an ID for every purchase. Chief Sweeney noted the Police Officer was 40-50 feet away and knew the person was under age; but only because he had identification which reported him to be 21 the clerk completed the sale. The clerk while being closer didn't make the facial observation; you need to trust your instincts as well as anything so while in favor of anything automated you can purchase to make that determination it should never be used as a substitute for common sense or a substitute for your observations you make of someone when they come in. The Board recommended when a clerk has a question about a license they can call the Police to come and verify a license.

At 7:34 PM Chairman Barthelmes closed the hearing.

The Board asked Chief Sweeney if he had a recommendation for a penalty. Chief Sweeney provided the following: 30 days prior to this event this establishment passed a compliance check done by the ABCC, the last violation was in May of 2004; the Chief suggested looking at previous discipline imposed and suggested a five day suspension with three to be served and two held in abeyance. Mr. Connell noted the BARS Mystery system has been hired to check stores and asked for a reduction in the penalty noting they do take this very serious noting it has been 11 years since a violation. The Board inquired about the corporate structure. Mr. Connell noted the stores will be sold on August 24th. T.F.S. Newco will run until converted to 7-Eleven Stores. The TM noted the liquor license cannot be sold and the transfer will have to come before the Board. Chief Sweeney noted a point-of-order that the transfer cannot take place while there is an open liquor violation.

Vice-Chair Setterland made a motion for a three day suspension two days to be served providing they report for the next six months; to the Board and the Chief, the reports of the BARS Mystery Shopper program being put in place. The motion was not seconded. Selectman Salvucci noted the sale is going through at the end of the month 7-Eleven will have their policies. The TM noted the transfer will come before the Board; the Board can place restrictions on the new license; noting the timeline the TM suggested a transaction of the transfer of ownership cannot occur, a new owner cannot operate the license that is in a name of another party; the TM strongly encouraged 7-Eleven to reach out to the licensing department. Mr. Connell noted they are purchasing the liquor company; stock ownership, so they will only have seven liquor licenses as of January.

Vice-Chair Setterland re-stated the motion for a three day suspension two days to be served providing that the Chief and the Board of Selectmen are provided with reports of the six months BARS Mystery Shopper program under the new ownership of 7-Eleven. Chairman Barthelmes noted the TM will be in touch with the official notification along with the dates it will be in effect. Selectman O'Rourke seconded the motion; all were in favor.

Chairman Barthelmes announced the continuation of the Public Hearing for ECOATM from July 20th. The Board discussed the information in the brochure (attached). Chief Sweeney was present for the discussion. The Board voted to approve a Junk Dealers License to ecoATM subject to the Board's License requirements and in compliance with the security features outlined in the Safe Secure Innovative Brochure, as presented.

At 7:54 PM Chairman Barthelmes read the attached Public Hearing notice published in the Patriot Ledger on July 20, 2015; Frank Giuffrida, Regional Manager was present for Buffalo Wild Wings. Mr. Giuffrida noted he is the Regional Manager for Buffalo Wild Wings in Massachusetts, Rhode Island & Connecticut and has been with the Company for four years and in the restaurant industry for 30 years. They are in the process of hiring a General Manager for the site; three managers have already been hired. The Board voted to approve a Liquor License, an Automatic Amusement License, an Entertainment License and a Sunday Entertainment License to Blazin Wings, Inc. d/b/a Buffalo Wild Wings at 1799 Washington Street as presented. Chairman Barthelmes closed the hearing at 7:58 PM.

The Board met with Victor Diniak, Director of Public Works and Neal Merritt, Deputy Superintendent Water Operations to provide the Board with a Water Quality Update. Mr. Diniak reported they are still receiving sporadic complaints; there have been changes made to the system and the chemicals; a new pump has been installed and the equipment continually requires maintenance. The water ban issued at the end of May helped with the water levels; and we welcome the Boards support with issuing tickets for offenders. Mr. Merritt provided an update on the total trihalomethane (TTHM) and informed the Board the water notice was published in the Patriot Ledger on July 29, 2015; provided the Board with a hand-out that is being mailed to residents (attached).

The Board voted to change the d/b/a for Players Lounge, LLC to The DRAFT on 53.

The Board reviewed the FY16 Goals and agreed to remove "to improve transparency" under the heading Community Relationships the line will now read "Create an Updated Town Personnel Plan ~~to Improve Transparency.~~" The Board agreed to remove "enhance access to Board of Selectmen: office hours." The Board voted to approve the FY16 Board of Selectmen Goals as amended.

The Board voted to approve the Eagle Scout Proclamations for Kyle Grant and Jack Hayes.

The Board received the Town of Hanover Business & Community Guide 2015-2016 and requested it be made available on the Town's website.

Town Manager Report:

- Karen Cass and Katie Duff attended today's Department Head meeting for feedback from Hanover Day.
- The TM is working with the Secretary of State to sponsor a forum for employee's and to clean out the files stored in the basement of Town Hall.
- The TM reported on the tax title residents noting some received calls from the Finance Director; the Board noted there were 16 people and 16 calls is not un-reasonable; if not calls a letter should be sent.

Vice-Chairman Setterland requested a list of Town owned property and for the Town Planner to attend a future meeting.

Chairman Barthelmes asked if any member of the audience had any comment or item for discussion for the Open Forum portion of the meeting; no response.

At 8:45 p.m. Chairman Barthelmes requested a Roll Call Vote of the Board to go into Executive Session in accordance with MGL 30A, Section 21, Subsection 2 to conduct strategy sessions in preparation for negotiations with nonunion personnel or to conduct collective bargaining sessions or contract negotiations with nonunion personnel. The Board will not reconvene in Open Session. Roll Call Vote: Chairman B. Barthelmes, aye; S. Setterland, aye; J. Salvucci, aye; and Robert O'Rourke, aye. Town Manager Troy B.G. Clarkson and Executive Assistant Ann Lee were also present. Any discussion relative to Police or Fire Selectman Salvucci will recuse himself. Selectman David Delaney was unable to attend.

Meeting ended and adjourned at 8:59 PM.